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ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF ENFORCEMENT  
300 FAIR OAKS LANE  
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1/26/15

CERTIFIED MAIL 7011 3500 0001 1971 0396  
RETURN RECEIPT REQUESTED

Mr. Greg Heitzman, P.E.  
Executive Director  
Louisville and Jefferson County Metropolitan Sewer District  
700 West Liberty Street  
Louisville, Kentucky 40203

Re: Civil Action No.: 3:05cv236-S  
Metropolitan Sewer District Consent Decree  
Demand for Stipulated Penalties

Dear Mr. Heitzman:

The Kentucky Department for Environmental Protection (KDEP) and the United States Environmental Protection Agency Region 4 have reviewed Metropolitan Sewer District's (MSD) Unauthorized Discharges that MSD electronically provided for the period covering July 1, 2013 to June 30, 2014 and Discharge Monitoring Reports for Total Phosphorous for wastewater treatment plants specified in Paragraph 46.f of the Consent Decree from November 1, 2010 to June 30, 2014.

Pursuant to Paragraph 46 of the Consent Decree, KDEP and the EPA may assess a stipulated penalty for each Unauthorized Discharge and Total Phosphorous exceedance in a dollar amount that is dependent upon when and from what source the Unauthorized Discharges or Total Phosphorous exceedances occur after the Date of Entry of the Consent Decree. The EPA and KDEP could thus assess stipulated penalties for all of the Unauthorized Discharges that occurred between January 1, 2013, and June 30, 2013 and could further assess stipulated penalties for Total Phosphorous samples greater than one milligram per liter at wastewater treatment plants specified in Paragraph 46.f from November 1, 2010 to June 30, 2014. Therefore, after review of the submitted documentation and discharge monitoring reports, and in consideration of the circumstances surrounding some of the Unauthorized Discharges as well as the significant progress that has been made by MSD to eliminate Unauthorized Discharges, the EPA and KDEP hereby demands stipulated penalties in the amount of \$228,000.

In accordance with Paragraph 50 of the Consent Decree, MSD shall pay \$114,000 (50%) of the stipulated penalty to the Commonwealth of Kentucky and \$114,000 (50%) of the stipulated penalty to the United States within 10 days of receipt of this letter. Electronic funds transfer wiring instructions for the payment to the United States are enclosed.

If there are any questions, you may contact Mr. Maurice Horsey, Chief of the Municipal and Industrial Enforcement Section, EPA Region 4 at (404) 562-9764 or Mr. Jeff Cummins, Director, Division of Enforcement, KDEP at (502) 564-2150.

Sincerely,



Jeff Cummins, Director  
Division of Enforcement  
KY Department for Environmental Protection



Denisse Diaz, Chief  
NPDES Permitting and Enforcement Branch  
Water Protection Division  
U.S. EPA, Region 4

Enclosure

cc: Mr. Laurence J. Zielke  
Zielke Law Firm, PLLC

Mr. Bill Weinischke  
Environmental Enforcement Section, U.S.D.O.J.

Mr. Jeff Cummins  
Division of Enforcement, KDEP

Mr. Courtney Seitz  
Division of Water, KDEP